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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL SALCEDO,

Plaintiff,  
v.

XIAMEN DESIFU COMMERCIAL &  
TRADING CO., LTD. and ZAIQUAN LIU

Defendants.

Civil Action No: 1:24-CV-05947 (AKH)

~~PLAINTIFF'S PROPOSED~~ ORDER  
FOR DEFAULT JUDGMENT AND  
PERMANENT INJUNCTION AGAINST  
DEFENDANTS

This matter, having come before the Court upon motion by Plaintiff Michael Salcedo seeking a default judgment and permanent injunction upon their claims against Defendants Xiamen Desifu Commercial & Trading Co., Ltd. and Zaiquan Liu ("Defaulting Defendants") pursuant to Fed. R. Civ. P. 55(b)(2); and the Court having reviewed and considered the papers submitted by Plaintiff in support of his motion for default judgment and permanent injunction, and for good cause having been shown,

**THIS COURT FINDS** that Plaintiff filed this action on August 6, 2024. ECF 1; that on October 9, 2024 the Court issued an Order and Opinion granting Plaintiff's motion for alternate service of process, by regular and certified mail on Defendants' designated counsel, Jason L. DeFrancesco, Esq. at the Defrancesco Law Firm PLLC, 110 Dungannon Blvd., Wilmington, N.C. 28403. ECF. 16; that Plaintiff served Mr. Defrancesco as directed by the Court on October 10, 2024. ECF 17 and 18; that additionally, Plaintiff also effectuated personal service on Mr. DeFrancesco on November 2, 2024. ECF 21; that on November 4, 2024, the Court issued an Order "Confirming Effective Service" of process on Jason DeFrancesco. ECF 22.; that on January 9, 2025 also effectuated personal service of process of the entry of default and motion for Default Judgment on Jason DeFrancesco. ECF 32; that such notice to Defaulting Defendants' trademark counsel, Jason L. DeFrancesco, Esq., was reasonably calculated under all circumstances to apprise Defaulting Defendants of the pendency of the action and affording them the opportunity to answer and present their objections; and the Defaulting Defendants having failed to answer the Complaint or appear in any way, and the time for answering the Complaint having expired.

**THIS COURT FINDS** that it has personal jurisdiction over the Defaulting Defendants because the Defaulting Defendants directly target their business activities toward consumers in the United States, including New York, offering to sell and ship products into this Judicial District. Specifically, Defaulting Defendants are reaching out to do business with New York residents by operating one or more commercial, interactive Internet Stores through which consumers have ordered and shipped to the Southern District of New York counterfeit versions of products utilizing copyrights covered by U.S. Copyright Office Registration No. PA 2-382-244, (the "ALPHABET LORE Copyright Registration" or "ALPHABET LORE Copyrights");

**THIS COURT FURTHER FINDS** that Defaulting Defendants are liable for willful

copyright infringement (17 U.S.C. § 101 et seq.);

**THIS COURT FURTHER FINDS** that Defaulting Defendants are liable for willful federal trademark infringement and false designation of origin 15 U.S.C. § 1125 and/or violation of unfair competition under New York common law;

**IT IS THUS** on this 13 day of January, 2025, hereby **ORDERED** that Plaintiff's Motion for Default Judgment and Permanent Injunction is **GRANTED** in its entirety, that Defaulting Defendants are deemed in default and that this Default Judgment and Permanent Injunction is entered against Defaulting Defendants; and

**IT IS FURTHER ORDERED** that pursuant to 15 U.S.C. § 1117 and 17 U.S.C. § 504, Plaintiff is awarded statutory damages from each of the Defaulting Defendants in the amount of one hundred fifty thousand dollars (\$150,000.00).

**IT IS FURTHER ORDERED** that Defaulting Defendants together with all of their members, officers, agents, servants, employees, representatives, attorneys and assigns, and all other persons, firms or companies in active concert or participation with them are permanently enjoined and restrained from directly or indirectly:

1. Doing any other act likely to induce the mistaken belief that Defendants Xiamen Desifu Commercial & Trading Co., Ltd. and Zaiquan Liu or their goods or services or commercial activities are in any way affiliated, connected, or associated with Plaintiffs or their goods or services;
2. Causing likelihood of confusion, injury to Plaintiffs' business reputation, or dilution of the distinctiveness of Plaintiff's Alphabet Lore® Trademarks, symbols, labels, or forms of advertisement;
3. Committing copyright infringement, trademark infringement, trade dress infringement, trademark dilution, false advertising, contributory trademark infringement, false designation of origin, false descriptions, unfair competition, and/or interference with prospective economic advantage and/or any other act or making any other statement that infringes or dilutes Plaintiffs' Alphabet Lore® Trademarks or constitutes an act of infringement, dilution,

unfair competition, untrue and misleading advertising, and/or interference with prospective economic advantage, under federal law and/or the laws of the state of New Jersey;

4. Assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to above;


**IT IS FURTHER ORDERED** that those in privity with Defaulting Defendants and with actual notice of this Order, including any online marketplaces such as Amazon, DHgate, eBay, Walmart, and Wish, social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defaulting Defendants shall within three (3) business days of receipt of this Order:

a. disable and cease providing services for any accounts through which Defaulting Defendants engage in the sale of counterfeit and infringing goods using the ALPHABET LORE Trademarks and/or Copyrights, including any accounts associated with the Defaulting Defendants; and

b. disable and cease displaying any advertisements used by or associated with Defaulting Defendants in connection with the sale of counterfeit and infringing goods using the ALPHABET LORE Trademarks and/or Copyrights.

**IT IS SO ORDERED.**

Dated: January 13, 2025

  
Hon. Alvin K. Hellerstein, U.S.D.J.